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SEA

SERVICE DATE – APRIL 3, 2006

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub. No. 175X)

Union Pacific Railroad Company - Abandonment Exemption - in Hamilton County,  
Iowa

### **BACKGROUND**

In this proceeding, the Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for UP to abandon 3.2 miles of rail line in Hamilton County, Iowa. The rail line, known as the Ellsworth Industrial Lead, extends from milepost 0.0 near Jewell to milepost 3.2 at Ellsworth. A map depicting the entire rail line in relationship to the area served is appended to this Environmental Assessment (EA). If this notice becomes effective, UP will be able to salvage the track, ties, and other railroad appurtenances and to dispose of the right-of-way.

### **ENVIRONMENTAL REVIEW**

UP submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

#### ***Description of Rail Line***

According to UP, the subject rail line was constructed by the Toledo and Northwestern Railway in 1880. The rail line is located in a level to hilly agricultural area and includes two bridges that each pass over waterways. The bridges consist of a timber pile trestle bridge (1941) and a deck plate girder bridge (1905). According to UP, the right-of-way of the rail line is generally 100 feet wide.

According to UP, no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted as a result of the abandonment. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

## ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The U.S. Army Corps of Engineers (USACE) has provided written comments to UP indicating that the proposed abandonment will not require a permit under Section 404 of the Clean Water Act. However, USACE requests that in the event the proposed project involves the removal of bridges, UP shall: (1) remove all fill material to an upland, non-wetland site; (2) remove all pilings to at least one foot below streambed elevations; (3) seed all disturbed areas with native grasses; and (4) take measures to ensure that sediments are not introduced into waters of the United States. Accordingly, to ensure that the USACE concerns are addressed, SEA will recommend a condition requiring UP to comply with the USACE's recommendations.

The U.S. Fish and Wildlife Service and Iowa Department of Natural Resources have each indicated to UP in writing that the proposed abandonment is not anticipated to have impacts to threatened or endangered species.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agencies for review and comment: U.S. Army Corps of Engineers; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; Natural Resources Conservation Service; and the National Geodetic Survey. Copies of the EA will also be provided to appropriate local and state agencies.

## **HISTORIC REVIEW**

UP submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)].<sup>1</sup> UP served the report on the Iowa State Historic Preservation Office (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has not yet submitted comments to UP in response to the historic report. Consequently, SEA recommends a condition be imposed that UP shall retain

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<sup>1</sup> The combined environmental and historic report for this proceeding can be viewed on-line by conducting a "Full Text Search" using the Docket Number for this proceeding, AB-33 (Sub. No. 175X), at <http://www.stb.dot.gov/filings/all.nsf/ByFilingDate?OpenView>.

its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470.

SEA conducted a search of the Native American Consultation Database at <http://www.cast.uark.edu/other/nps/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Sac and Fox Tribe of the Mississippi in Iowa may have an interest in the proposed abandonment. Consequently, SEA will ensure that the tribe receives a copy of this EA for its review and comment.

## **CONDITIONS**

We recommend that the following two environmental conditions be placed on any decision granting abandonment authority:

1. The Union Pacific Railroad Company shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470, has been completed. The Union Pacific Railroad Company shall report back to the Section of Environmental Analysis regarding any consultations with the Iowa State Historic Preservation Office and any other Section 106 consulting parties. The Union Pacific Railroad Company may not file its consummation notice or initiate any salvage activities related to the abandonment until the Section 106 process has been completed and the Board has removed this condition.
2. Based on the comments of the U.S. Army Corps of Engineers, if salvage activities include bridge removal, the Union Pacific Railroad Company shall: (1) remove all fill material to an upland, non-wetland site; (2) remove all pilings to at least one foot below streambed elevations; (3) seed all disturbed areas with native grasses; and (4) take measures to ensure that sediments are not introduced into waters of the United States.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the rail line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued

operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this EA, send an original and two copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov) by clicking on the "E-FILING" link. Please refer to **Docket No. AB-33 (Sub. No. 175X)** in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov).

Date made available to the public: April 3, 2006.

Comment due date: **April 18, 2006.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment